THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.1815 of 2007

Date:02.02.2007

Between

Bommagani Ashok.

----------Petitioner

And

Divisional Forest Officer, Warangal and others.

----------Respondents

ORDER:

The Tractor of the petitioner was initially seized and thereafter, confiscated by the authorities of the Forest Department of Warangal District, on the allegation that it was used in ploughing the forest land. The petitioner filed C.M.A.No.61 of 2006 in the Court of District and Sessions Judge, Warangal, against the order of confiscation. He also filed I.A.No.2780 of 2006 for release of the Tractor, pending the C.M.A. The learned District and Sessions Judge allowed the I.A., through order, dated 24.01.2007, directing release of the Tractor, on condition that the petitioner furnishes bank guarantee, for a sum of Rs.2,00,000/-. This Writ Petition is filed by the petitioner, complaining that the condition imposed by the appellate Court is onerous.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Normally, the vehicles involved in forest offences are not released, pending adjudication of the original or appellate proceedings. In the instant case, the only allegation against the petitioner is that the Tractor was used in ploughing the forest land. It is also stated that the petitioner purchased the Tractor by obtaining loan and that it would be difficult for him, to mobilise such huge funds, to get release of the Tractor.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of, directing that the order in I.A.No.2780 of 2006 shall stand modified to the extent of substituting the figure 'Rs.2,00,000/-' with 'Rs.50,000/-', and in all other respects, it shall remain in tact. There shall be no order as to costs.

02.02.2007

Note: Issue C.C. in three days.

(B/o)

JSU